

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 36**

HOOD RIVER DISTILLERS, INC.

Employer

Case No. 19-RD-271944

and

DAVID COONTZ, an Individual

and

TEAMSTER LOCAL UNION NO. 670

Union

**HOOD RIVER DISTILLERS, INC.’S RESPONSE TO TEAMSTER LOCAL
UNION NO. 670’S MOTION FOR POSTPONEMENT OF HEARING**

Pursuant to Section 102.63 of the Rules and Regulations of the National Labor Relations Board (“NLRB”), Employer Hood River Distillers, Inc. (“HRD”) responds to the Teamster Local Union No. 670’s (“Union”) Motion for Postponement of Pre-Election Hearing as follows:

The Union’s Motion seeks two postponements. First, the Union requests a short postponement of the Pre-Election Hearing from February 19, 2021 to February 23, 2021 to accommodate the Union’s Secretary-Treasurer Michael Beranbaum’s travel schedule. HRD does not object to this request.

Second, the Union requests the NLRB to postpone the Pre-Election Hearing – and the election itself – until after the NLRB’s petition for injunctive relief under Section 10(j) violation has been filed, heard and decided by the federal district court. As of the filing of this brief, no petition has been filed. Based on information and belief, the NLRB has authorized a petition for a 10(j) injunction to be filed against HRD, and will ask the court to order, among other things,

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HRD to reinstate the former strikers who are on the preferential rehire list. The Union presumes that if the injunction granted, then HRD will terminate the replacement workers that it has hired on a permanent basis to replace the economic strikers. The Union's presumption is wrong.

Regardless of the result of the NLRB's petition for a 10(j) injunction, the same group of individuals will be eligible to vote, subject to challenge. That is, even assuming for argument sake the Section 10(j) injunction were granted and HRD was ordered to reinstate those individuals on the preferential rehire list, the permanent replacement workers would still remain employed and be eligible to vote, subject to challenge.

For this reason, the Union's motion to postpone the Pre-Election Hearing until after the petition for 10(j) injunction is filed and decided, must be denied.

DATED this 17th day of February, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that I served the Hood River Distillers, Inc.'s Response to Teamster Local Union No. 670's Motion for Postponement of Hearing regarding the NLRB Case No. 19-RD-271944 on:

Noah Barish McKanna Bishop Joffe LLP Email: NBarish@mbjlaw.com Attorney for Teamsters Local 670	David Coontz Email: coontz@usa.com
Mike Steffany, Board Agent National Labor Relations Board, Subregion 36 Email: Michael.Steffany@nlrb.gov	

- ☐ by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each party's last-known address and depositing in the U.S. Mail at Portland, Oregon on the date set forth below.
- ☒ by causing a copy thereof to be e-mailed to each party at said party's last-known email address on the date set forth below;

DATED this 17th day of February, 2021.

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